

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

City of Rochester v. Purdue Pharma, L.P.,
No. 19-op-45853 (Track 12)

Lincoln County v. Richard S. Sackler, M.D.,
No. 20-op-45069 (Track 13)

City of Independence, Missouri v. Williams,
No. 19-op-45371 (Track 14)

*County of Webb, Texas v. Purdue Pharma,
L.P.*, No. 18-op-45175 (Track 15)

MDL NO. 2804

Case No. 17-MD-2804

Judge Dan Aaron Polster

**EXPRESS SCRIPTS' MOTION FOR LEAVE TO FILE BRIEF REGARDING NEWLY
DISCOVERED EVIDENCE IN SUPPORT OF OPTUMRX'S MOTION TO
DISQUALIFY MOTLEY RICE, AND TO JOIN OPTUMRX'S MOTION**

Express Scripts, Inc. (“Express Scripts”), hereby requests leave of the Court to (1) file the short attached Brief Regarding Newly Discovered Evidence In Support Of OptumRx’s Motion to Disqualify Motley Rice and (2) join OptumRx’s Motion To Disqualify Motley Rice. The proposed Brief and supporting declaration identifies and attaches newly discovered evidence supporting OptumRx’s Motion to Disqualify Motley Rice (Dkt. 5276). Specifically, Express Scripts has identified a 2013 subpoena regarding prescription opioids that was served on Express Scripts by Linda Singer of Motley Rice in her role as a government attorney for the City of Chicago, through which she obtained confidential information that should bar her from representing Plaintiffs against Express Scripts in this litigation for the reasons stated in OptumRx’s disqualification motion.

“The Court has the discretion to grant supplemental briefing in the interest of justice.”

Nationwide Recovery, Inc. v. City of Detroit, 2021 WL 4398339, at *1 (E.D. Mich. Sept. 27, 2021)

(granting motion for leave to file a brief with newly discovered evidence). Good cause exists to support this motion because the newly discovered evidence is relevant to the Court’s consideration of OptumRx’s pending motion to disqualify Motley Rice, as it provides information not previously disclosed to the Court by Ms. Singer and Motley Rice about the confidential information obtained through work as a government attorney.

Date: March 13, 2024

Respectfully submitted,

/s/ Jonathan G. Cooper

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